T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			12-Feb-07	APPL. S. N:	10764196				
To Examiner:			CONTEE, JOY	Art Unit	2617				
rom			Logan, Rugenia PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68				
SUBJECT	T: Decisio	on on Terminal	Disclaimer(T.D.) filed:						
orm para or have a	agraphs i any quest	dentified by thi ions, please se	s informal memo in your r e me or the Special Progra	the results as set forth below. If you a next Office action to notify applicant o am Examiner. THIS IS AN INFORMAL, D OF RECORD IN THE APPLICATION F	of the T.D. If you disagree INTERNAL MEMO ONLY.				
			s memo to me. THANK YO						
[주]	The T.D.	is PROPER and	has been recorded (see 1	14.23).					
_	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):								
		The TD fee of use of a depos	•	bmitted nor is there any authorization	in the application file for the				
	Γ	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).							
	Γ	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).							
	Г	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termina portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).							
		The person who signed the T.D.:							
		is no	t an attorney "of record" (see 14.29 and 14.29.01).					
		has f	ailed to state his/her capa	acity to sign for the business entity (se	ee 14.28).				
		is no	t recognized as an officer	of the assignee (see 14.29 & possible	14.29.02).				
	Γ	No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).							
	Γ	The T.D. is no	t signed (see 14.26 & 14.2	26.03).					
	Г	The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).							
	Π.	The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).							
		The period dis	claimed is incorrect or not	specified (see 14.26, 14.27.02 or 14	.26.03).				
	Γ	Other:			<u> </u>				
	Γ	Suggestion to and do not che	,	5). NOTE: If already authorized, credi	t refund to deposit account				
have ap	propriate	ely notified appl	icant(s) of the status of th	ne Terminal Disclaimer filed in this cas	se.				
x.Initials	s:	Date			Log Date:				

, Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination GORSUCH ET AL.					
Document Code - DISQ		Internal Doc		cument – DO NOT MAIL				
TERMINAL DISCLAIMER	⊠ APPROV	⊠APPROVED		□ DISAPPROVED				
Date Filed : January 19, 2007	This patent is subject to a Terminal Disclaimer							
Approved/Disapproved by: Henry D. Jefferson								

U.S. Patent and Trademark Office

PTO/SB/25 (09-04)

Approved for use through 07/31/2008.

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Under the Paponwork Reduction Act of 1935, no persons are required to respond to a collection of information unless it displays a valid OMS control number.

ERMINAL DISCLAIMED TO ODMATE A RECURSIONAL DESCRIPTION OF THE PROPERTY OF THE

Docket Number (Optional) TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION TAN-2-1401.04.US in re Application of: Gorsuch et al. Application No.: 10/764,196 Filed: January 23, 2004 DYNAMIC BANDWIDTH ALLOCATION TO TRANSMIT A WIRELESS PROTOCOL ACROSS A CODE DIVISION MULTIPLE ACCESS (CDMA) RADIO LINK For: The owner", InterDigital Technology Corporation of 100 percent interest in the Instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number. 10/763.788 filed on January 23, 2004 as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or essigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintanance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination cartificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant. Check either box 1 or 2 below, if appropriate. 1... For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. The undersigned is an attorney or agent of record. Reg. No. 43,593 ignature John Donch Jr. Typed or printed name 215-568-6400 Telephone Number Terminal disclaimer fee under 37 CFR 1.20(d) is included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

"Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Form PTO/SB/98 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or rotain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form end/or suggestions for reducing this burden, should be sent to the Chief information Oficer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-600-PTO-9189 and select option 2.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

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